

Commissioners
Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner
Lance Gough, Executive Director



Board of Election Commissioners for the City of Chicago

Minutes of Special Board Meeting

October 30, 2018, 10:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive
Joan T. Agnew, Counsel
James P. Allen, Communications Director
Peter Peso, Deputy Chief Administrative Officer
Amanda Robelo, Purchasing
Gary Ryczyn, Consultant
Michal Czech, Videographer
Trupti Patel
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
Judd Ryan, ES&S

- I. Call to Order: The Chairwoman called the meeting to order at 10:34 a.m.
- II. Roll Call: All members were present
- III. Consideration of Agenda: The agenda was accepted as presented
- IV. Approval of Minutes: Minutes of prior Board meetings were not presented for approval at this meeting.
- V. Executive Director's Report (Mr. Lance Gough)
 - The online Vote by Mail (VBM) application system will close at 5:00 p.m. on Thursday. Mr. Gough is concerned with the U.S. Postal service. 3XData is doing an excellent job with processing the ballots. We have put notices in all emails and on our website encouraging voters to apply early for VBM ballots and to return them as swiftly as possible.

Additional warnings will be added to social media telling voters if they have not received their VBM ballot they may still use Early Voting.

- So far, the VBM applications are running high and the returns are good. Assistant Executive Director Charles Holiday will provide more details.
- This election cycle we have received calls regarding persons going to their assigned polling place thinking that it is an Early Voting Site. Commissioner Kresse would like to add a sign listing the locations of Early Voting sites to the signs sent to Election Day polling places. Mr. Gough pointed out that the signs sent to the Election Day polling places are usually not displayed until just a few days before the election.
- Purchasing Agent Lorel Blameuser has left the Election Board. Mr. Gough introduced Amanda Robledo; she will be filling that position until a replacement for the Purchasing Agent is made. General Counsel Adam Lasker stated that he and Mr. Holiday have been working with Ms. Robledo and Sherry Zabel, both long term Board employees, to continue with procurements in the interim.

A notice of the job opening has been posted on our website. Deadline for application is November 9th.

A. Assistant Executive Director (Mr. Charles Holiday)

- Registration is closed and all registrations processed.
- To date we have had 548 voters use Grace Period Registration and voting at Early Voting Sites. 278 were new registrations and 270 were change of address
- Early Voting (EV) numbers: 86,975 total as of yesterday. 14,195 voted yesterday alone.
- Public test is underway on the 6th floor
- Warehouse deliveries are on schedule
- Mr. Holiday reiterated that he and Mr. Lasker are working with purchasing in the absence of a Purchasing Agent.
- Poll book testing has been underway.
- Staff members are readying for Election Day.
- There are 4 polling place vacancies; hopefully these will be placed today.

B. Communications Director (Mr. Jim Allen)

- Early Voting is approximately 62% ahead of the 2014 Midterm Election, and Vote By Mail is approaching the 1944 all-time record of more than 116,000 applications
- Messaging on VBM will now shift to advising voters on how to return ballots on time or to go to their respective polling places if they had not received their VBM ballots.

- Instructing Election Central on instructions for when people try to drop off VBM ballots at the polling places.
- There will be a press conference on Monday.
- Commissioner Swain asked Mr. Allen about projected turnout. Mr. Allen repeated that VBM is 62% ahead of 2014, but lower than 2016. However, it's not possible to project turnout based on VBM or EV.
- The VBM applications are three times what they were in 2014. The VBM numbers may cut back the number of voters who use EV.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration: planning on addressing this after the April Election.

Mr. Allen would like authorization to publish, on the website, the amendment or addendum to the long-range plan that he had previously sent to Board members. The members stated that they would like to review and discuss this further.

B. Electronic Poll Books: Mr. Judd Ryan of ES&S reported that the Pre-election Logistics and Accuracy Test (Pre-LAT) should be completed at the warehouse today; no problems have been reported so far.

C. Voting Equipment: This will be discussed in more detail after the election.

D. Legislation: General Counsel Adam W. Lasker plans to monitor the veto session in November to determine whether the election-related bills that we are watching will be revisited by the General Assembly.

VII. New Business:

A. Removal of Judge of Election Alva Ruffin:

Board Counsel Joan T. Agnew requested the Board order the removal of Judge of Election Alva Ruffin. Ms. Ruffin reportedly appeared to be intoxicated at the training session.

One of our experienced trainers, Ms. Morris, found that Ms. Ruffin was having difficulties during a training class; she smelled of alcohol and was slurring her speech.

Commissioner Swain moved to approve the removal of Alva Ruffin as Judge of Election based on the information presented. Commissioner Kresse seconded the motion. The motion carried by unanimous vote of the Board. A Notice and Order of Removal of Judge of Election Alva Ruffin was authorized.

B. Judges of Election Post-Hearing Removal:

1. Carol E. Contreras
Counselor Agnew presented.

In March, the Board executed an Order to Remove Ms. Contreras as a Judge of Election. Ms. Contreras had been calling Election Central to complain about the other judges. The Board investigator reported to the polling place and found that it was Ms. Contreras, not the other judges, who was uncooperative and unprofessional: yelling at people in the polling place and preventing other poll workers from doing their jobs.

Ms. Contreras requested reconsideration. Ms. June Brown was assigned as a Hearing Officer in this matter. Ms. Brown recommended sustaining the Board's Order to permanently removal of Ms. Contreras as a Judge of Election.

Commissioner Kresse moved to adopt Ms. Brown's recommendation and sustain the Board's previous Order. Commissioner Swain seconded the motion. The Board voted unanimously to sustain the order of removal.

2. Kathy A. Carlisle
Counselor Agnew presented.

In March, the Board ordered Kathy A. Carlisle be removed as a Judge of Election for having been extremely disruptive to the voting process. She reportedly got into a verbal disagreement that escalated into a shouting match which caused a voter to intervene. Even after instruction by the Board Investigator, she continued to refuse to cooperate with others in the polling place.

Ms. Carlisle requested reconsideration. Ms. June Brown was assigned as the Hearing Officer in this matter.

Ms. Brown found that Judge of Election Kathy A. Carlisle was disruptive at the precinct, but found mitigating circumstance, specifically, Ms. Carlisle's hearing. Ms. Carlisle was not wearing her hearing aids election morning. Ms. Agnew stated that while she is empathetic to Ms. Carlisle's hearing issue, she does not think that the Board should go back on their ruling to remove. Both Audra Lewicki, Manager of the Community Services Division, and Ms. Agnew request that the board overrule Hearing Officer Brown's recommendation and remove Ms. Carlisle permanently.

- Commissioner Swain expressed concerns that the Hearing Officer recommends one way and Ms. Agnew recommends the opposite. Commissioner Swain asked if Ms. Carlisle has any opportunity to present to the Board. For that matter, would she feel a need to if she followed our rules, sought reconsideration and then saw the Hearing Officer

recommend that she be reinstated? Commissioner Swain stated that he is sympathetic to a pro se litigant in such matters.

- Ms. Agnew pointed out that the Administrative Code does not allow her to come back beyond the reconsideration – her due process flows before the Hearing Officer. Ms. Agnew and Mr. Lasker have spoken before about the Board's Administrative Code, and this is something that we need to address.
- Commissioner Swain stated that this is unfair to Judges of Election, as they may not feel they need to come before the Board since the Hearing Officer ruled in their favor. Commissioner Swain stated that it would not be right to override the Hearing Officer. Mr. Lasker and Ms. Agnew recommend a rewrite of the Administrative Code.
- Commissioner Kresse pointed out that the Hearing officer recommended a conditional reinstatement with training.
- The Chairwoman pointed out that Ms. Carlisle arrived at 4:50 a.m. and only had problems after 7:00 am. When another Judge of Election noticed her initializing ballots without the voters being present, that's when she became disruptive. The hearing problem wasn't a problem until this time. This gives Ms. Carlisle less credibility with the mitigating factor and the Chairwoman feels that the Judge of Election should be removed.
- General Counsel Lasker agrees because of the concern that she had been pre-initializing ballots and responded to correction by being disruptive. Commissioner Swain, in response, noted that Ms. Carlisle has been a serving as a Judge of Election for more than 20 years.
- Commissioner Kresse stated that he feels that the Board should only overrule a Hearing Officer's recommendation if the Hearing Officer abused his or her discretion. As no such abuse of discretion is asserted here, Commissioner Kresse would recommend that we follow the Hearing Officer's recommendations.
- Commissioner Kresse moved to adopt the Hearing Officer's recommendation. Commissioner Swain seconded the motion. The motion was passed and the Hearing Officer's recommendations were adopted by a 2:0 vote of the Board.

C. Approval of SCYTL Subscription Agreement for online pollworker training software

- Mr. Lasker thanked Amanda Robledo, Sherry Zabel and Audra Lewicki for having brought this agreement together.
- Since this is a sole source provider, Mr. Lasker proposes a 2 year agreement. The pricing is similar. Commissioner Swain inquired as to whether this program was this designed for us and if we paid the company

to develop it. If so, we should own the product. It was explained that they modified a program to meet our content specifications.

- The agreement would be for 2019-2020, with a 2021 extension option with the rate locked-in, in the amount of \$62,976.
- Commissioner Kresse moved to approve the 2019-2020 (2 year) agreement with SCYCLE. Commissioner Swain seconded the motion. The motion passed and the agreement was approved by unanimous vote of the Board.

D. Adoption of 2019 advisory referenda guidelines

- Mr. Lasker reported that there were no substantive changes to the guidelines, just updating names and dates of the elections.
- Commissioner Swain moved to amend the information with where to seek legal counsel, specifically the Chicago Bar Association Lawyer Referral Service.
- Commissioner Kresse moved to approve the guidelines, as amended. Commissioner Swain seconded the motion and the motion was approved by unanimous vote of the Board.

VIII. Legal Report

- Twenty-six attorneys are set to serve at Election Central on Election Day. The Election Central hotline number is (312) 269- 7870
- Three attorneys will be working the Nursing Home hotline during Nursing home voting
- Forty-three attorneys are on the Electoral Board review list to be potential Hearing Officers. Approximately 1/3 would be new Electoral Board Attorneys.
- The plan is to begin Electoral Board hearings on December 10.
- We do not have yet a decision from Chicago Public Schools regarding pollwatcher background check requirements. Pollwatcher Credentials have been issued to qualified organizations; statute prohibits us from asking for the names of the individuals who will be given the credentials by the authorizing organizations or candidates.
- The response brief in the Citywide referendum case is due today. A reply brief is due on Friday.
- Regarding the Purchasing Department, Mr. Lasker will be working with the Department to make sure that all procurements are processed. The job posting for Purchasing Agent is posted; the application deadline is November 9.
- November 26 is the deadline for nomination filings, objections have until December 3rd. The Board will remain open until 5 on the last day; no other time is defined by law.

IX. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2018 Appropriation – 18-08 dated October 30, 2018 in the amount of \$1,263,858.22. Commissioner Swain moved to approve. Commissioner Kresse seconded the motion. The Balance Sheet and Voucher listing was approved by unanimous vote of the Board.
- B. Balance Sheet and Voucher Listings for the County of Cook – 2018 Appropriation – 18-08 dated October 30, 2018 in the amount of \$2,511,065.77: Commissioner Kresse moved to approve. Commissioner Swain seconded the motion. The Balance Sheet and Voucher listing was approved by unanimous vote of the Board.

X. Public Comment: None.

XI. Executive Session: None needed.

XII. Adjournment: Commissioner Swain moved to adjourn until Nov 6th at 7:00 a.m. Commissioner Kresse seconded the motion; approved by unanimous vote of the Board.

Submitted,



William J. Kresse
Commissioner William J. Kresse
Secretary